

Montana State Legislature

2013 Session

ADDITIONAL DOCUMENTS MAY INCLUDE THE FOLLOWING:

- **Business Report**
- **Roll Call – Attendance**
- **Standing Committee Reports**
- **Tabled Bills**
- **Fiscal Reports etc.**
- **Roll Call Votes**
- **Informational Items**
- **Witness Statements**
- **Any Documents; such as;**
 - ***Petitions if any.**
 - ***Any and all material handed end after the meeting ends.**

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BUSINESS REPORT

**MONTANA HOUSE OF REPRESENTATIVES
63rd LEGISLATURE - REGULAR SESSION**

HOUSE FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS COMMITTEE

Date: Wednesday, April 3, 2013
Place: Capitol

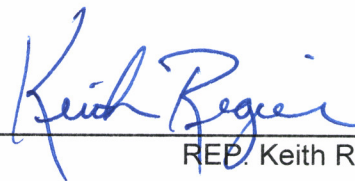
Time: 3:00 PM
Room: 472

BILLS and RESOLUTIONS HEARD:

SB 288 - Revise condemnation procedures - Sen. Chas Vincent

EXECUTIVE ACTION TAKEN: SB 288 BE CONCURRED IN AS AMENDED

Comments: None

A handwritten signature in blue ink, reading "Keith Regier", is written over a horizontal line.

REP. Keith Regier, Chair

HOUSE OF REPRESENTATIVES
Roll Call
FEDERAL RELATIONS, ENERGY, AND TELECOMMUNICATIONS
COMMITTEE

DATE: 04/03/13

<u>NAME</u>	<u>PRESENT</u>	<u>ABSENT/ EXCUSED</u>
REP. JESSE O'HARA, VICE CHAIR	✓	
REP. MARY MCNALLY, VICE CHAIR	✓	
REP. TOM STEENBERG	✓	
REP. MIKE LANG	✓	
REP. DAVID MOORE	✓	
REP. DOUG KARY	✓	
REP. KATHY SWANSON	✓	
REP. ROGER HAGAN	✓	
REP. CARLIE BOLAND	✓	
REP. RAE PEPPERS	✓	
REP. TOM BERRY	✓	
REP. DANIEL ZOLNIKOV	✓	
REP. AUSTIN KNUDSEN	✓	
REP. KEITH REGIER, CHAIR	✓	



Molly
451

HOUSE STANDING COMMITTEE REPORT

April 3, 2013

Page 1 of 5

Mr. Speaker:

We, your committee on **Federal Relations, Energy, and Telecommunications** recommend that **Senate Bill 288** (third reading copy -- blue) be concurred in as amended.

Signed:

Keith Regier
Representative Keith Regier, Chair

To be carried by Representative Keith Regier

And, that such amendments read:

1. Title, page 1, line 6 through line 7.

Strike: "STATE" on line 6 through "USE" on line 7

Insert: "CONDEMNOR"

2. Title, page 1, line 10.

Strike: "70-30-102, 70-30-104,"

3. Page 1, line 17.

Strike: "state or its agents"

Insert: "condemnor"

4. Page 2, line 6.

Strike: "state or its agents"

Insert: "condemnor"

5. Page 2, line 10.

Strike: "state or its agents'"

Insert: "condemnor's"

6. Page 2, line 11.

Strike: "state or its agents'"

Insert: "condemnor's"

7. Page 2, line 14.

Committee Vote:

Yes 12, No 2

Fiscal Note Required ☐

SB0288001SC13689.hjk

Strike: "state or its agents"
Insert: "condemnor"

8. Page 2, line 17.

Strike: "state or its agents"
Insert: "condemnor"

9. Page 2, line 19.

Strike: "state or its agents'"
Insert: "condemnor's"

10. Page 2, line 21.

Strike: "state or its agents'"
Insert: "condemnor's"

11. Page 2, line 21 through line 22.

Strike: the second "state" on line 21 through "agents" on line 22
Insert: "condemnor"

12. Page 2, line 23.

Strike: "state or its agents provide"
Insert: "condemnor provides"

13. Page 2, line 26.

Strike: "state or its agents believe"
Insert: "condemnor believes"

14. Page 2, line 27.

Strike: "state or its agents"
Insert: "condemnor"

15. Page 2, line 29.

Strike: "state or its agents'"
Insert: "condemnor's"

16. Page 2, line 30.

Strike: "state or its agents'"
Insert: "condemnor's"

17. Page 3, line 1.

Strike: "state or its agents"
Insert: "condemnor"

18. Page 3, line 3.

Strike: "state or its agents"
Insert: "condemnor"

19. Page 3, line 6.

Strike: "state or its agents"

Insert: "condemnor"

20. Page 3, line 7.

Strike: "state or its agents"

Insert: "condemnor"

21. Page 3, line 10.

Strike: "state or its agents"

Insert: "condemnor"

22. Page 3, line 14.

Strike: "state or its agents"

Insert: "condemnor"

23. Page 3, line 16.

Strike: "state or its agents"

Insert: "condemnor"

24. Page 3, line 18.

Strike: "state or its agents"

Insert: "condemnor"

25. Page 3, line 21.

Strike: "state or its agents"

Insert: "condemnor"

26. Page 3.

Following: line 30

Insert: "(3) "Condemnor" means an entity able to take private property in accordance with this chapter for a public use enumerated in 70-30-102. An entity may otherwise be delegated the power of eminent domain in statute for a public use enumerated in 70-30-102."

Renumber: subsequent subsections

27. Page 4, line 1 through 2.

Strike: "the state" on line 1 through "use" on line 2

Insert: "a condemnor"

28. Page 4, line 3 through line 5.

Strike: subsection (4) in its entirety

Renumber: subsequent subsection

29. Page 4, line 8 through page 7, line 28.

Strike: section 4 through section 5 in their entirety

Renumber: subsequent sections

30. Page 8, line 2.

Strike: "state or its agents'"

31. Page 8, line 3.

Strike: "state or its agent"

Insert: "condemnor"

32. Page 8, line 23.

Strike: "state or its agents"

Following: "use"

Insert: "condemnor"

33. Page 8, line 26.

Strike: "state or its agents"

Following: "use"

Insert: "condemnor"

34. Page 8, line 29.

Strike: "state or its agents"

Insert: "condemnor"

35. Page 9, line 1.

Strike: "state or its agents"

Insert: "condemnor"

36. Page 9, line 4.

Strike: "state or its agents"

Insert: "condemnor"

37. Page 9, line 11.

Strike: "state or its agents"

Insert: "condemnor"

38. Page 9, line 19.

Strike: "state or its agents"

Insert: "condemnor"

39. Page 13, line 1 through page 16, line 20.

Strike: section 12 through section 13 in their entirety

Renumber: subsequent sections

40. Page 16.

Following: line 20

Insert: "COORDINATION SECTION. Section 10. Coordination

instruction. If House Bill No. 417 and [this act] are passed and approved and if both contain a section that amends 70-30-111, then the sections amending 70-30-111 are void and 70-30-111 must be amended as follows:

"70-30-111. Facts necessary to be found before

condemnation. (1) Before property ~~can~~ may be taken, the condemnor shall show by a preponderance of the evidence that the public

interest requires the taking based on the following findings:

~~(1)~~(a) the use to which the property is to be applied is a public use pursuant to 70-30-102;

~~(2)~~(b) the taking is necessary to the public use;

~~(3)~~(c) if already being used for a public use, that the public use for which the property is proposed to be used is a more necessary public use;

~~(4)~~(d) an effort to obtain the property interest sought to be taken was made by submission of a final written offer prior to initiating condemnation proceedings and in accordance with [section 2 of Senate Bill No. 288] and the final written offer was:

(i) rejected; or

(ii) rejected in accordance with [section 2 of Senate Bill No. 288] because a property owner did not respond or the condemnor believed an impasse existed.

(2) Subsection (1)(d) does not prohibit the condemnor from making further offers in an effort to obtain the property interest sought to be taken, but offers made after the final written offer is submitted pursuant to subsection (1)(d) may not be used to determine whether the condemnee prevails pursuant to 70-30-305. The condemnor shall disclose to a property owner that further offers made in accordance with this subsection are not considered the final written offer."

Renumber: subsequent sections

- END -

MONTANA House of Representatives
Visitors Register
L RELATIONS, ENERGY, AND TELECO
COMMITTEE

Wednesday, April 3, 2013

SB 288 - Revise condemnation procedures

Sponsor: Sen. Chas Vincent

PLEASE PRINT

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.